

# HOUSE BILL 367

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HB 991/11 – W&M

2lr0828

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By: **Delegates Schuh and McConkey**  
Introduced and read first time: February 1, 2012  
Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County Board of Education – Members – Increase and**  
3 **Selection**

4 FOR the purpose of increasing the number of members of the Anne Arundel County  
5 Board of Education; requiring that certain members of the county board be  
6 elected at a certain election; providing for the residency, the terms of office, and  
7 the filling of a vacancy of certain members of the county board; authorizing the  
8 Anne Arundel County Board of Elections to adopt certain regulations; making  
9 certain conforming changes; and generally relating to the Anne Arundel County  
10 Board of Education.

11 BY repealing and reenacting, with amendments,  
12 Article – Education  
13 Section 3–110 and 3–114  
14 Annotated Code of Maryland  
15 (2008 Replacement Volume and 2011 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Education**

19 3–110.

20 (a) (1) The Anne Arundel County Board consists of [9 members who shall  
21 be appointed as follows]:

22 (I) **8 APPOINTED MEMBERS;**

23 (II) **2 ELECTED MEMBERS; AND**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 (III) 1 STUDENT MEMBER.

2 (2) OF THE 11 MEMBERS OF THE COUNTY BOARD:

3 (i) 8 MEMBERS SHALL BE APPOINTED AS FOLLOWS:

4 1. 3 from the county at large; AND

5 [(ii)] 2. 1 each from legislative districts 30, 31, 32, 33, and  
6 that portion of legislative district 21 that lies within Anne Arundel County; [and]

7 (II) 2 MEMBERS SHALL BE ELECTED FROM THE COUNTY AT  
8 LARGE IN THE NOVEMBER GENERAL ELECTION OF 2014 AND EVERY 4 YEARS  
9 THEREAFTER; AND

10 (iii) 1 student member SHALL BE SELECTED AS REQUIRED BY  
11 SUBSECTION (E) OF THIS SECTION.

12 [(2)] (3) (I) [Except for the student member, the] THE Governor  
13 shall appoint [a member] THE APPOINTED MEMBERS of the county board from a list  
14 of nominees submitted by the School Board Nominating Commission of Anne Arundel  
15 County as provided in subsection (b) of this section.

16 (II) AN ELECTED MEMBER OF THE COUNTY BOARD SHALL  
17 BE A RESIDENT OF THE COUNTY.

18 (b) (1) (i) There is a School Board Nominating Commission of Anne  
19 Arundel County.

20 (ii) The purpose of the Commission is to select nominees to be  
21 recommended to the Governor as qualified candidates for appointment to the Anne  
22 Arundel County Board of Education.

23 (iii) The Commission shall hold at least two public hearings on  
24 the selection of nominees before recommending to the Governor nominees for  
25 appointment to the county board.

26 (2) (i) The Commission consists of 11 members who shall be  
27 appointed in accordance with this paragraph.

28 (ii) The Governor shall appoint five members, one from each  
29 legislative district that lies in whole or in part in Anne Arundel County.

1 (iii) The County Executive of Anne Arundel County shall appoint  
2 one member from the county at large.

3 (iv) The following organizations shall each appoint one member:

4 1. The Teachers Association of Anne Arundel County;

5 2. The Annapolis and Anne Arundel County Chamber of  
6 Commerce;

7 3. The Anne Arundel County Council of Parent Teacher  
8 Associations;

9 4. The Anne Arundel County Community College Board  
10 of Trustees; and

11 5. The Association of Educational Leaders (AEL).

12 (3) (i) The Governor shall designate as chair of the Commission  
13 one of the five members appointed by the Governor under subsection (b)(2)(ii) of this  
14 section.

15 (ii) The term of the chair of the Commission is 4 years.

16 (iii) The Governor may reappoint the chair of the Commission for  
17 a second term.

18 (iv) The term of a member of the Commission is 4 years.

19 (4) The Department of Legislative Services shall provide staff for the  
20 Commission.

21 (5) Beginning January 1, 2008, for each nomination to the county  
22 board, the Commission shall submit to the Governor a list of nominees that contains:

23 (i) At least two names for each vacancy; or

24 (ii) If there are fewer than two applicants for a vacancy, the  
25 number of names that is equal to the number of applicants for the vacancy.

26 (c) (1) Following the appointment of [a] AN APPOINTED member of the  
27 Anne Arundel County Board of Education by the Governor, [a] AN APPOINTED  
28 member may serve for the remainder of the APPOINTED member's term, as provided  
29 in § 3-108(c) of this subtitle, subject to the approval or rejection of the registered  
30 voters of the county at the next general election.

1           (2)    **[A] AN APPOINTED** member of the county board is eligible for  
2 nomination and reappointment for a second consecutive term in accordance with the  
3 provisions of subsections (a) and (b) of this section.

4           (3)    (i)    The approval or rejection of **[a] AN APPOINTED** member of  
5 the county board by the registered voters of the county provided for in subparagraph  
6 (ii) of this paragraph shall be a vote for the **APPOINTED** member's retention or  
7 removal.

8                   (ii)    On receipt of the notice required under § 5-301(h) of the  
9 Election Law Article, the name of the **APPOINTED** member of the county board shall  
10 be placed on the appropriate ballot and shown, without opposition, and the voters  
11 shall vote for or against the **APPOINTED** member's retention as a member of the  
12 county board.

13           (4)    If the voters reject the retention of the **APPOINTED** member, or the  
14 vote is tied:

15                   (i)    The position shall become vacant 10 days after certification  
16 of the election returns; and

17                   (ii)   The **APPOINTED** member serves until a successor is  
18 appointed and qualifies.

19           **(D) (1) (I) AN ELECTED MEMBER SERVES FOR A TERM OF 4 YEARS**  
20 **BEGINNING ON THE FIRST MONDAY IN DECEMBER AFTER THE MEMBER IS**  
21 **ELECTED AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.**

22                   **(II) 1. UNLESS OTHERWISE DISQUALIFIED UNDER THIS**  
23 **SECTION, AN ELECTED MEMBER OF THE COUNTY BOARD IS ELIGIBLE FOR**  
24 **REELECTION.**

25                           **2. AN ELECTED MEMBER MAY NOT SERVE FOR MORE**  
26 **THAN TWO CONSECUTIVE TERMS AS A MEMBER OF THE COUNTY BOARD.**

27                           **(III) THE ANNE ARUNDEL COUNTY BOARD OF ELECTIONS**  
28 **MAY ADOPT REGULATIONS TO IMPLEMENT THIS PARAGRAPH.**

29           **(2) THE ANNE ARUNDEL COUNTY COUNCIL SHALL APPOINT A**  
30 **QUALIFIED INDIVIDUAL TO FILL ANY VACANCY OF AN ELECTED MEMBER ON THE**  
31 **COUNTY BOARD FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS**  
32 **ELECTED AND QUALIFIES.**

33           **[(d)] (E) (1) The student member shall:**

1 (i) Be a regularly enrolled senior year student of good character  
2 and in good standing in an Anne Arundel County public high school;

3 (ii) Be selected in the student's junior year by a method selected  
4 by the Chesapeake Regional Association of Student Councils of Anne Arundel County;

5 (iii) 1. Serve a term of 1 year; and

6 2. Continue to serve after graduation and until a  
7 successor is appointed and qualifies.

8 (2) If a vacancy in the position of the student member occurs during  
9 the term of the student member, the Chesapeake Regional Association of Student  
10 Councils shall:

11 (i) Conduct a special election at its next general meeting; and

12 (ii) By utilizing the same method that it used to select the  
13 previous student member of the board, select another student member to fill the  
14 vacancy.

15 [(e)] (F) A board member who does not maintain the residency qualification  
16 shall be replaced as a member.

17 [(f)] (G) If the boundary line of a legislative district changes, an incumbent  
18 member of the county board who, because of the change, no longer resides in the  
19 legislative district from which the member was appointed may complete the term.

20 [(g)] (H) (1) The President of the Anne Arundel County Board of  
21 Education is entitled to receive \$8,000 annually as compensation and, except for the  
22 student member, the other board members are entitled to receive \$6,000 each  
23 annually as compensation.

24 (2) A student member who completes a full term on the board shall be  
25 granted a scholarship of \$6,000 to be applied toward the student's higher education  
26 costs.

27 3-114.

28 (a) In the following counties, the members of the county board shall be  
29 elected:

30 (1) Allegany;

31 (2) Calvert;

32 (3) Carroll;

- 1 (4) Cecil;
- 2 (5) Charles;
- 3 (6) Dorchester;
- 4 (7) Frederick;
- 5 (8) Garrett;
- 6 (9) Howard;
- 7 (10) Kent;
- 8 (11) Prince George's;
- 9 (12) Montgomery;
- 10 (13) Queen Anne's;
- 11 (14) St. Mary's;
- 12 (15) Somerset;
- 13 (16) Talbot;
- 14 (17) Washington; and
- 15 (18) Worcester.

16 (b) (1) IN ANNE ARUNDEL COUNTY, IN ACCORDANCE WITH § 3-110  
17 OF THIS SUBTITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A  
18 COMBINATION OF MEMBERS WHO ARE ELECTED AND APPOINTED.

19 (2) In Caroline County, in accordance with Subtitle 3A of this title, the  
20 members of the county board shall be a combination of members who are elected and  
21 appointed.

22 [(c)] (3) In Harford County, in accordance with Subtitle 6A of this title, the  
23 members of the county board shall be a combination of members who are elected and  
24 appointed.

25 [(d)] (C) An individual subject to the authority of the county board may not  
26 serve as a member of the county board. At the time of filing a certificate of candidacy  
27 for election to a county board, a person shall certify to the local board of supervisors of

1 elections whether or not he is subject to the authority of the county board. The  
2 Governor shall not issue a commission of election to a person who has certified  
3 affirmatively and who is elected to a county board until the member-elect offers proof  
4 that he is no longer subject to the authority of the county board.

5           **[(e)] (D)**       The election of the county boards shall be held as provided in  
6 Subtitles 2 through 14 of this title and the Election Law Article.

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 July 1, 2012.